

To the Members of the California State Senate:

I am returning Senate Bill 68 without my signature.

This bill would shift responsibility to lead agencies, under the California Environmental Quality Act (CEQA), for determining the real parties in interest in a potential legal challenge to a CEQA decision.

Under current law, the phrase “real party in interest” in a CEQA appeal is described as “any recipient of an approval.” This bill is meant to indirectly address this ambiguity, but it falls short of doing so because it provides no clarification on the meaning of the phrase and is unclear as to how lead agencies would comply with the requirements of this bill.

Rather than resolving this ongoing issue, this bill places upon the lead agency a new liability for actions not directly related to its review of a project.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger